

• AO 440 (Rev. 04/08) Civil Summons

# UNITED STATES DISTRICT COURT

for the  
Northern District of California

XS HOLDING B.V, derivatively on behalf of Xslent  
Technologies, LLC and XET Holding Co., LLC, and  
separately on its own behalf,

Plaintiff

v.

COOL EARTH SOLAR, INC., a Delaware corporation;  
ROB LAMKIN, an individual; LAWRENCE  
ASUNCION, an individual; SOLAR COMPONENTS  
LLC, a Delaware limited liability company; NATHAN  
SCHULHOF, an individual; M. JAMES BULLEN, an  
individual; MARTIN N. LETTUNICH, an individual;  
STEFAN MATAN, an individual; and XSLENT, LLC,  
a Nevada limited liability company and ATIRA  
TECHNOLOGIES, LLC, a Nevada limited liability  
company;

Defendant

Civil Action No. C08-02282 RMW

## Summons in a Civil Action

**(First Amended Derivative Complaint And Complaint For  
Interference With Contract, Conversion, Declaratory And Injunctive Relief)**

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To: *(Defendant's name and address)*

COOL EARTH SOLAR, INC.  
Attn: Eric Cummings  
7665 Hawthorne Place  
Livermore, CA 94550

ROB LAMKIN  
7665 Hawthorne Place  
Livermore, CA 94550

LAWRENCE ASUNCION  
7665 Hawthorne Place  
Livermore, CA 94550

SOLAR COMPONENTS LLC  
121 Valley Street  
Manchester, NH 03103

NATHAN SCHULHOF

M. JAMES BULLEN

MARTIN N. LETTUNICH  
233 Oak Meadow Drive  
Los Gatos, CA 95032-7650

STEFAN MATAN  
487 Lea Court  
Novato, CA 94945

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Paul J. Riehle  
Sedgwick, Detert, Moran & Arnold LLP  
1 Market Plaza, Steuart Tower, 8th Flr.  
San Francisco, CA 94105

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

- (1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_ ; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or
- (4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or
- (5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

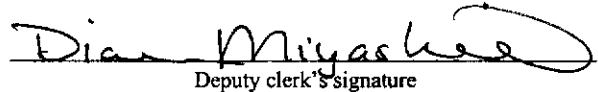
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If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: **MAY 07 2008**

**RICHARD W. WIEKING**

Name of clerk of court



Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*